



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Shoshone Field Office
400 West F Street
Shoshone, Idaho 83352-5284
(208) 732-7200



In Reply Refer To:
8300 (IDT030)

DECISION
Special Recreation Permit

Blaine County Recreation District : Special Recreation Permit
1050 Fox Acres Rd. Suite 107 :
Hailey, Idaho 83333

The Bureau of Land Management (BLM) Shoshone Field Office received an application from the Blaine County Recreation District (BCRD) requesting to include the BLM's Lake Creek trails, trailhead, and parking lot with the Galena Lodge Ski School operations currently permitted under the Sawtooth National Recreation Area (SNRA) special use permit issued to BCRD. The BLM's Lake Creek is the closest Nordic facility to the Ketchum/Sun Valley area (see Attachment 1). The BCRD and the Galena Lodge and Ski School operator are requesting to offer adult and youth Nordic lessons for both private individuals and groups from October through April. Maximum total group size would be 30, however a group that large would be divided into subgroups. The staff:customer ratio would be 1:9. Nordic ski lessons and clinics as well as dry land training including: classic and skate skiing, hiking, running, bounding, stretching, and strength exercises would be offered. The activities would take place on the Lake Creek winter trails and not on existing summer trails. However, existing summer trails would be used to access the winter trails to conduct dry land training. The permit includes the following stipulations:

1. The permittee shall comply with all Federal, State, and local laws; ordinances; regulations; orders; postings; or written requirements applicable to the area or operations covered by the Special Recreation Permit (SRP or permit). The permittee shall ensure that all persons operating under the authorization have obtained all required Federal, State, and local licenses or registrations. The permittee shall make every reasonable effort to ensure compliance with these requirements by all agents of the permittee and by all clients, customers, participants, and spectators.
2. An SRP authorizes special uses of the public lands and related waters and, should circumstances warrant, the permit may be modified by the BLM at any time, including modification of the amount of use. The authorized officer may suspend or terminate an SRP if necessary to protect public resources, health, safety, the environment, or because of non-compliance with permit stipulations. Actions by the BLM to suspend or terminate an SRP are appealable.

3. No value shall be assigned to or claimed for the permit, or for the occupancy or use of Federal lands or related waters granted thereupon. The permit privileges are not to be considered property on which the permittee shall be entitled to earn or receive any return, income, price, or compensation. The use of a permit as collateral is not recognized by the BLM.
4. Unless expressly stated, the SRP does not create an exclusive right of use of an area by the permittee. The permittee shall not interfere with other valid uses of the federal land by other users. The United States reserves the right to use any part of the area for any purpose. The BLM reserves the right to close various sites and/or areas of the public land to prevent resource damage and use conflicts, and to promote visitor safety.
5. The permittee or permittee's representative may not assign, contract, or sublease any portion of the permit authorization or interest therein, directly or indirectly, voluntarily or involuntarily. However, contracting of equipment or services may be approved by the authorized officer in advance, if necessary to supplement a permittee's operations. Such contracting should not constitute more than half the required equipment or services for any one trip or activity and the permittee must retain operational control of the permitted activity. If equipment or services are contracted, the permittee shall continue to be responsible for compliance with all stipulations and conditions of the permit.
6. All advertising and representations made to the public and the authorized officer must be accurate. Although the addresses and telephone numbers of the BLM may be included in advertising materials, official agency symbols may not be used. The permittee shall not use advertising that attempts to portray or represent the activities as being conducted by the BLM. The permittee may not portray or represent the permit fee as a special federal user's tax. The permittee must furnish the authorized officer with any current brochure and price list if requested by the authorized officer.
7. The permittee assumes responsibility for inspecting the permitted area for any existing or new hazardous conditions, e.g., trail and route conditions, landslides, avalanches, rocks, changing water or weather conditions, falling limbs or trees, submerged objects, hazardous flora/fauna, abandoned mines, or other hazards that present risks for which the permittee assumes responsibility.
8. In the event of default on any mortgage or other indebtedness, such as bankruptcy, creditors shall not succeed to the operating rights or privileges of the permittee's SRP.
9. The permittee cannot, unless specifically authorized, erect, construct, or place any building, structure, or other fixture on public lands. Upon leaving, the lands must be restored as nearly as possible to pre-existing conditions.
10. The permittee must present or display a copy of the SRP to an authorized officer's representative, or law enforcement personnel upon request. If required, the permittee must display a copy of the permit or other identification tag on equipment used during the period of authorized use.

11. The authorized officer, or other duly authorized representative of the BLM, may examine any of the records or other documents related to the permit, the permittee or the permittee's operator, employee, or agent for up to three years after expiration of the permit.
12. The permittee must submit a post-use report to the authorized officer according to the due dates shown on the permit. If the post-use report is not received by the established deadline, the permit will be suspended and/or late fees assessed.
13. The permittee shall notify the authorized officer of any incident that occurs while involved in activities authorized by this permit, which result in death, personal injury requiring hospitalization or emergency evacuation, or in property damage greater than \$2,500 (lesser amounts if established by State law). Reports should be submitted within 24 hours.

ADDITIONAL STIPULATIONS

14. The permittee, employees, and clients will not interfere with other valid uses occurring on the public land such as grazing, mining, and other recreational uses (including commercial and private).
15. The permittee will be responsible for the prompt repair of any damages to utilities, fences and other improvements. The permittee shall take every reasonable precaution to protect natural resource values and any improvement on both private and public lands.
16. A Post Use Report will be submitted within 30 days after the end of your use season or no later than December 31. End of season use fee payments must be received by BLM when the Post Use Report is submitted.
17. No collection/removal of archaeological resources is authorized under this permit. No vandalism, surface disturbance, or excavation of archaeological materials is allowed. All outfitters, guides, and clients shall abide by all current federal regulations pertaining to archaeological resources as provided in BLM Manual 8110 and the Archaeological Resources Protection Act (ARPA).
18. Should human remains be inadvertently discovered on BLM lands, the remains should be left in place, a GPS position recorded, and the find reported to the BLM authorized officer immediately as required by the Native American Graves Protection and Repatriation Act (NAGPRA). Recorded locations of such finds shall be kept confidential, reported to the BLM, and any subsequent records disposed of after reporting.
19. The permittee is not authorized to camp at the Lake Creek Trailhead as it is a "Day Use" facility. Vehicles may not be left overnight at the trailhead.
20. All Trash will be removed by the permit holder.
21. Food and/or equipment caches will not be allowed unless prior approval is obtained from BLM's authorized officer.
22. Standing trees (alive or dead) may not be cut or removed.

23. Campfires are not allowed at the Lake Creek Trailhead.
24. The permittee may be held responsible for fire suppression costs resulting from wildfire caused by permittee, employees or clients.
25. Wildfire should be reported immediately to the Interagency Fire Dispatch Center in Shoshone. The permittee is responsible for informing employees and clients of the current fire danger and required precautions that may be placed in effect by the BLM.
26. The permittee is prohibited from inhibiting, limiting or reducing access to public lands within the permit area. Leave approximately 5 – 10 parking spaces available for the general public.
27. Vehicles must stay on existing roads and ways. No cross country use of motorized or mechanized vehicles is authorized except in an emergency situation.
28. Issuance of a permit by BLM does not guarantee the permittee's use of specific public areas, nor does it grant the exclusive use of any area by the permittee.
29. The BLM recognizes and endorses the use of the principles of Leave No Trace and Tread Lightly as appropriate wildland ethical behavior for the recreating public. The principles of these two programs are listed below.

LEAVE NO TRACE

Reference the full LNT booklet at: <http://www.lnt.org/TeachingLNT/LNTEnglish.php>

Plan Ahead and Prepare

Know the area and what to expect, travel in small groups, select appropriate equipment, and repack food to reduce litter at the source.

Camp and Travel on Durable Surfaces

Concentrate use in popular areas, spread use in remote areas, avoid places where impact is just beginning.

Pack It In, Pack It Out

Reduce litter at the source by repackaging food, dispose of trash and garbage properly.

Properly Dispose of What You Can't Pack Out

Dispose of human waste responsibly, minimize soap and food scraps in waste water, avoid contaminating water sources when washing, and dispose of fishing and hunting waste appropriately.

Leave What You Find

Minimize site alterations, avoid damaging trees and plants, leave natural objects and cultural artifacts, avoid disturbing wildlife, reduce your impact on other users.

Minimize Use and Impact From Fires

Be aware of regulations and weather conditions. Stoves are often the best option. If you must build a fire, use existing fire rings. Collect only dead and downed wood or bring your own.

TREAD LIGHTLY!

Reference the details of principles at:

<http://www.treadlightly.org/edu.mv?edu=Recreation%20Tips>

Travel only where permitted.

Know what areas/roads/trails are open to vehicles.

Respect the rights of others.

Be considerate of others on the roads/trail that you travel. Vehicles yield the right-of-way to bicycles, hikers, and horses.

Educate yourself.

Obtain information on your destination before you go. If you have questions contact the managing agency of the area(s) you are visiting.

Avoid streams, meadows, wildlife areas, etc.

Be aware of wildlife habitat. Crashing through underbrush or across open meadows upsets the balance of nature, destroys nesting sites, and disturbs wildlife.

Drive and travel responsibly.

Use common sense. Avoid muddy roads and trails and stay out of meadows and wetlands.

These principles of Leave No Trace and Tread Lightly! programs are recommended as a guide to minimizing signs of visitation to the expansive and varied BLM-administered public lands. These principles are intended to support and complement BLM regulations. Additional information on the Leave No Trace and Tread Lightly! programs are available at the BLM Shoshone Field Office or on their respective internet sites.

The issuance of a SRP is a Federal action and subject to National Environmental Policy Act analysis. It has been determined that the proposal qualifies as a categorical exclusion (CX) because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The CX (DOI-BLM-ID-T030-2016-0022-CX) describing the permit is available at the following website: https://www.blm.gov/epl-front-office/eplanning/nepa/nepa_register.do or at the Shoshone Field Office.

Based on review of the project and field office staff recommendations, I have determined that the project is in conformance with the applicable land use plan and is categorically excluded from further environmental analysis. I have decided to approve the actions as proposed.

Permit fees and a proof of insurance certificate naming the U.S. Department of the Interior, Bureau of Land Management as an additional insured shall be required of the applicant prior to permit authorization.

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4, and the enclosed form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. In addition, within 30 days of the receipt of this decision, the appellant has the right to file a petition for a stay (suspension) of the decision together with the appeal in accordance with the regulations at 43 CFR 4.21.

Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor, at the same time the original documents are filed with this office. If you request a stay you have to have the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of a decision pending appeals shall show sufficient justification based on the following four standards:

1. The relative harm to the parties of the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Contact John Kurtz, Outdoor Recreation Planner, at (208) 732-7296 or jkurtz@blm.gov with any questions.

/s/ Codie Martin
Codie Martin
Shoshone Field Manager

Enclosures:
Form 1842-1